



EFW
DAE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

App. No. : 10/004,115 ✓
Applicant : ASAKO et al. ✓
Filed: : December 6, 2001
TC/A.U. : 1652
Examiner : Elizabeth Slobodyansky

Confirmation No.: 3895

Docket No. : 7372/72249
Customer No. : 22242

September 29, 2004

U.S. Patent and Trademark Office
220 20th Street, South
Customer Window, Mail Stop **Issue Fee**
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

**PETITION FOR CORRECTED PATENT
TERM ADJUSTMENT UNDER 35 U.S.C. §154(b)**

Dear Sir:

The Notice mailed July 22, 2004 states that the Patent Term Adjustment is 15 days. Applicants respectfully request that the patent term adjustment be amended. The PTO private PAIR website lists Applicants delay of 147 days. Careful consideration of the listed delays allegedly caused by Applicants reveals that the Patent Office included internal processing delays at the Patent Office in such calculations. Such internal PTO processing delays are not the responsibility of Applicants.

Accordingly, the Patent Term Adjustment should be increased. The increased should include, for instance, the difference in time between October 23, 2002 and November 13, 2002. That reflects a processing delay internal to the Patent Office, a matter as to which Applicants have no control. It is also furthermore respectfully noted that this Application did not receive a first action on the merits for more than 14 months. The application was filed on December 6, 2001 and the first Office Action on the merits was not until November 19, 2003.

Appl. No. 10/004,115

Any fee required to support this request for an increase of the Patent Term Adjustment can be charged to our Deposit Account No. 06-1135, under Order No; 7372/72249.

Respectfully submitted,

FITCH, EVEN, TABIN & FLANNERY

By: 

Kendrew H. Colton
Registration No. 30,368

Fitch, Even, Tabin & Flannery
1801 K Street, N.W., Suite 401L
Washington, D.C. 20006-1201
Telephone No. (202) 419-7000
Facsimile No. (202) 419-7007